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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MANI JACOB and LESLEENA MARS, individually and  
on behalf all others similarly situated,

Plaintiffs,

v.

DUANE READE, INC. and DUANE READE  
HOLDINGS, INC.,

Defendants.

**11 Civ. 0160 (RMB)(THK)**

**DECLARATION OF SANDRA E. PULLMAN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CONDITIONAL  
CERTIFICATION AND COURT-AUTHORIZED  
NOTICE PURSUANT TO SECTION 216(b) OF THE FLSA**

I, Sandra E. Pullman, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an associate at Outten & Golden LLP, attorneys for Plaintiffs herein, and an attorney in good standing admitted to practice in the State of New York and before this Court. I make this declaration in support of Plaintiffs' Motion for Conditional Certification and Court-Authorized Notice Pursuant to Section 216(b) of the FLSA.

**Procedural History**

2. Plaintiff Mani Jacob filed a Collective Action Complaint against Duane Reade, alleging FLSA violations on behalf of Assistant Store Managers ("ASMs"), in the Southern District of New York on January 7, 2011. *Jacob v. Duane Reade, Inc., et al.* No. 11 Civ. 160 (RMB) (S.D.N.Y.), Docket No.1 ("*Jacob*").

3. Plaintiff Lesleena Mars filed a similar Complaint on the same day, alleging the same violations of the FLSA on behalf of ASMs in the Eastern District of New York. *Mars v. Duane Reade, Inc.*, No. 11-cv-00107 (DLI), Docket No. 1 ("*Mars*").

4. Mars then voluntarily dismissed her Complaint and joined Jacob's lawsuit. *Mars* Docket No. 13.

5. On March 2, 2011, Jacob filed his Amended Class Action Complaint adding Mars as a named plaintiff. *Jacob* Docket No. 11.

6. Plaintiffs filed the Second Amended Complaint on March 24, 2011. *Jacob* Docket No. 25.

7. Defendants filed their Answer to Plaintiffs' Second Amended Complaint on April 5, 2011. *Jacob* Docket No. 27.

8. The parties have exchanged initial disclosures.

9. Plaintiffs served interrogatories on Defendants, and Defendants responded with objections.

10. Seventeen ASMs have joined the case as Opt-in Plaintiffs. *Jacob* Docket Nos. 12, 17, 19, 21, 26, 28, 29, 31, 33, 36, 38, 29, and 45.

11. Defendants have served discovery on Plaintiffs and deposed the named Plaintiffs and twelve Opt-in Plaintiffs.

12. Plaintiffs have deposed two of Defendants' Rule 30(b)(6) witnesses and have noticed thirteen fact witnesses. Defendants will produce one more Rule 30(b)(6) witness for deposition.

**Exhibits**

13. Attached are true and correct copies of the following documents:

a. Attached as **Exhibit A** is a true and correct copy of Judge Lynch's opinion granting conditional certification to Duane Reade ASMs in *Damassia v. Duane Reade, Inc.*, No. 04 Civ. 8819, 2006 WL 2853971 (S.D.N.Y. Oct. 5, 2006);

b. Attached as **Exhibit B** is a true and correct copy of the *Jacob* Class Action Complaint filed on January 7, 2011;

c. Attached as **Exhibit C** is a true and correct copy of the *Mars* Complaint filed on January 7, 2011;

d. Attached as **Exhibit D** is a true and correct copy of the Plaintiffs' Amended Complaint filed on March 2, 2011;

e. Attached as **Exhibit E** is a true and correct copy of the Plaintiffs' Second Amended Complaint filed on March 24, 2011;

f. Attached as **Exhibit F** is a true and correct copy of the Defendants' Answer to Seconded Amended Complaint and Statement of Additional and Affirmative Defenses filed on April 5, 2011;

g. Attached as **Exhibit G** is a true and correct copy of excerpts from the deposition transcript of Mani Jacob, dated May 26, 2011;

h. Attached as **Exhibit H** is a true and correct copy of excerpts from the deposition transcript of Lesleena Mars, dated June 14, 2011

- i. Attached as **Exhibit I** is a true and correct copy of excerpts from the deposition transcript of Carmen Ortiz, dated June 20, 2011;
- j. Attached as **Exhibit J** is a true and correct copy of excerpts from the deposition transcript of Manuel Mendez, dated July 7, 2011;
- k. Attached as **Exhibit K** is a true and correct copy of excerpts from the deposition transcript of Darnell Forde, dated June 21, 2011;
- l. Attached as **Exhibit L** is a true and correct copy of excerpts from the deposition transcript of Habibul Islam, dated June 2, 2011;
- m. Attached as **Exhibit M** is a true and correct copy of excerpts from the deposition transcript of Kumar Bharat, dated June 7, 2011;
- n. Attached as **Exhibit N** is a true and correct copy of excerpts from the deposition transcript of Sanjeev Farid, dated May 17, 2011;
- o. Attached as **Exhibit O** is a true and correct copy of excerpts from the deposition transcript of Hanna Saddik, dated May 13, 2011;
- p. Attached as **Exhibit P** is a true and correct copy of excerpts from the deposition transcript of Laurel DeMarco, dated July 6, 2011;
- q. Attached as **Exhibit Q** is a true and correct copy of excerpts from the deposition transcript of Ousmane Diop, dated May 24, 2011;
- r. Attached as **Exhibit R** is a true and correct copy of excerpts from the deposition transcript of Forbes Lewis, dated May 19, 2011;
- s. Attached as **Exhibit S** is a true and correct copy of excerpts from the deposition transcript of Usha Mehta, dated July 22, 2011;
- t. Attached as **Exhibit T** is a true and correct copy of excerpts from the deposition transcript of Carlos Echevarria, dated August 11, 2011;
- u. Attached as **Exhibit U** is a true and correct copy of excerpts from the deposition transcript of Rule 30(b)(6) Witness Francine Baruch, dated August 18, 2011;

- v. Attached as **Exhibit V** is a true and correct copy of Money-Handling Forms, Bates Nos. D0021574 and D0021719;
- w. Attached as **Exhibit W** is a true and correct copy of a Daily Financial Report, Bates No. D0021377;
- x. Attached as **Exhibit X** is a true and correct copy of a Loss Prevention Incident Report, Bates No. D002161;
- y. Attached as **Exhibit Y** is a true and correct copy of excerpts from the deposition transcript of Rule 30(b)(6) Witness Robin Costa, dated July 19, 2011;
- z. Attached as **Exhibit Z** is a true and correct copy of an Assistant Store Manager Job Posting, Bates No. D00489-D00490;
- aa. Attached as **Exhibit AA** is a true and correct copy of a document titled "ASM Class Action: Follow up Action Items," Bates Nos. D003659-D003660;
- bb. Attached as **Exhibit BB** is a true and correct copy of a document titled "Acknowledgement of Fair Labor Standards Act ("FLSA") Status," Bates No. D00070; and
- cc. Attached as **Exhibit CC** is Plaintiffs' Proposed Notice.

I declare under penalty of perjury under the laws of New York and the United States that the foregoing is true and correct.

Dated: September 2, 2011  
New York, NY

/s/ Sandra E. Pullman  
Sandra E. Pullman

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